

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

IN RE:)	CASE NO. 4:05CV3052
)	BK02-43406
AGRICREDIT ACCEPTANCE, L.L.C.,)	
)	
Appellee,)	
)	
PRUDENTIAL INSURANCE COMPANY)	
OF AMERICA,)	
)	
Appellee,)	ORDER
)	
DEERE CREDIT, INC.,)	
)	
Appellee,)	
)	
v.)	
)	
DARRYL HOWARD, and)	
RONDA HOWARD)	
)	
Debtors/Appellants.)	

This matter is before the court on debtors' motion to withdraw reference and for stay and motion to strike, Filing No. 48, pursuant to 28 U.S.C. § 157 and Bankruptcy Rule 5011. The debtors filed an emergency motion to stay proceedings and withdraw the reference in the bankruptcy case. Filing No. 78, Darryl & Ronda Howard, Case No. BK06-40274. The bankruptcy court denied the same and recommended to this court that the motion be denied. Filing No. 47. The court has carefully reviewed the motion and the report and recommendation of the bankruptcy court and the filings submitted by the parties. The court notes that the bankruptcy court previously dismissed the Chapter 11 of the debtors which this court affirmed. Filing No. 46. Three days later, the debtors attempted to file a Chapter 12. The bankruptcy court denied the request determining that again the purpose of the filing was in bad faith and intended to delay and further reduce the value of the assets of

the estate. 11 U.S.C. § 1208 (a). The court agrees and concludes that the bankruptcy court's report and recommendation should be adopted, the motion to strike be denied, and the motion to withdraw denied.

THEREFORE, IT IS ORDERED that:

1. The United States Bankruptcy Court Chief Judge Timothy Mahoney report and recommendation, Filing Nos . 47, is adopted;

2. The debtors' motion to withdraw the reference and stay, and motion to strike, Filing Nos. 48 and 78, are denied;

2. The debtor's appeal is hereby dismissed.

DATED this 15th day of August, 2006.

BY THE COURT:

s/Joseph F. Bataillon
Chief U.S. District Court Judge